

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Ho	Team: Squad #3	CCRB Case #: 201403567	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/27/2014 11:05 AM	Location of Incident: § 87(2)(b)	Precinct: 25	18 Mo. SOL 9/27/2015	EO SOL 9/27/2015	
Date/Time CV Reported Fri, 04/11/2014 2:44 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 04/11/2014 2:46 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Brian Hoban	00000	926960	GANG M
2. CPT Brian Sayre	00000	900630	GANG M
3. POM Brian Kusterer	23903	935139	GANG M

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Robert Locher	02378	938866	GANG M

Officer(s)	Allegation	Investigator Recommendation
A.CPT Brian Sayre	Abuse: Cpt. Brian Sayre entered and searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.LT Brian Hoban	Abuse: Sgt. Brian Hoban refused to provide his name and/or shield number to § 87(2)(b)	§ 87(2)(b)
C.POM Brian Kusterer	Abuse: PO Brian Kusterer refused to provide his name and/or shield number to § 87(2)(b)	§ 87(2)(b)

## Case Summary

On April 11, 2014, § 87(2)(b) filed this complaint with the CCRB via the on-line website (complaint encl. 3a-f).

On March 27, 2014, at 11:05 a.m., Capt. Brian Sayre supervised officers in the execution of a no-knock search warrant #§ 87(2)(b) § 87(2)(b) § 87(2)(b) in Manhattan for the criminal investigation of narcotics (search warrant encl. 12a-i) (**Allegation A**). § 87(2)(b) § 87(2)(b) alleged she requested the name and shield number of Sgt. Brian Hoban and PO Brian Kusterer (**Allegations B and C**).

### **Mediation, Civil, and Criminal Conviction Histories**

This case is ineligible for mediation because § 87(2)(b) has filed a Personal Injury Claim with the City of New York, claiming damages for pain and suffering, emotional distress, and diverse general and special damages, including damages to her property and is seeking \$1,000,000 as redress.

## Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) has not filed a complaint with the CCRB (encl. 2a-b).
- Cpt. Brian Sayre has been a member of the service for 22 years, Sgt. Brian Hoban has been a member of the service for 14 years, and PO Brian Kusterer has been a member of the service for 10 years and there are no substantiated CCRB allegations against them (encl. 1a-c).

## Findings and Recommendations

### Explanation of Subject Officer Identification

- § 87(2)(b) alleged she requested the name and shield number of the officer who had spoke with § 87(2)(b). § 87(2)(b) provided an accurate physical description of Sgt. Brian Hoban and he acknowledged having spoken with § 87(2)(b). § 87(2)(g) § 87(2)(b)
- § 87(2)(b) alleged she requested the name and shield of the officer who escorted her from her bedroom to the living room. Based on the description provided by § 87(2)(b) the investigation identified the subject officer as PO Brian Kusterer and he acknowledged having interacted with § 87(2)(b). § 87(2)(g)

### **Allegation Not Pleaded**

- § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- **Allegation A: Abuse of Authority – Cpt. Brian Sayre supervised the entry and search of**  
[REDACTED] § 87(2)(b) [REDACTED] **in Manhattan.**  
[REDACTED] § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] •

- **Allegation B: Abuse of Authority – Sgt. Brian Hoban refused to provide his name and/or shield number to § 87(2)(b)**
- **Allegation C: Abuse of Authority – PO Brian Kusterer refused to provide his name and/or shield number to § 87(2)(b)**

§ 87(2)(b) was interviewed at the CCRB on June 23, 2014 (encl. 4a-e). § 87(2)(b) alleged that she asked Sgt. Brian Hoban and PO Brian Kusterer for their name and shield numbers and they ignored her request.

§ 87(2)(b) was interviewed at the CCRB on July 17, 2014 (encl. 6a-f). § 87(2)(b) heard § 87(2)(b) ask Sgt. Hoban for his name and shield number twice, and observed Sgt. Hoban ignore her questions.

Sgt. Hoban was interviewed at the CCRB on September 10, 2014 (encl. 8a-g). Sgt. Hoban denied hearing § 87(2)(b) ask him for his name and shield number and stated he never spoke with § 87(2)(b).

PO Brian Kusterer was interviewed at the CCRB on November 26, 2014 (encl. 9a-e). PO Kusterer confirmed he kept watch over § 87(2)(b) and § 87(2)(b) in the living room. He denied hearing § 87(2)(b) ask him for his name and shield number or ask another officer for their name and shield number.

§ 87(2)(g)

Team:   5  

Investigator: _____	_____ Rebecca Ho _____	_____ 12/17/2014 _____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date